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Chairman: Mr. Belinga-Eboutou (Cameroon)

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The meeting was called to order at 10.15 a.m.

Agenda item 117: Human rights questions (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/58/118 and Corr.1, A/58/121, 181 and Add. 1, 185 and Add. 1 and 2, A/58/186, 212, 255, 257, 261, 266, 268, 275, 276 and Add. 1, A/58/279, 296, 309, 317, 318, 330, 380 and 533; A/C.3/58/6)

(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/58/127, 218, 219, 325, 334, 338, 379, 393, 421, 427, 448 and 534; A/C.3/58/6)

(e) Report of the United Nations High Commissioner for Human Rights (continued) (A/58/36)

1. **Ms. Pham Thi Kim Anh** (Viet Nam) said that Viet Nam was frustrated to observe that the protection and promotion of human rights had been adversely affected by terrorism, the increase in conflicts, violence and intolerance, and serious poverty and inequality throughout the world. While realizing that terrorism posed a threat to international peace and security, Viet Nam considered that counter-terrorism measures should not become an excuse for human-rights abuses and should respect national sovereignty and independence. The emphasis on peaceful resolution of conflicts should be increased and poverty alleviation and development should be given the highest priority in order to ensure the full exercise of human rights.

2. Viet Nam was committed to building a strong nation with a prosperous, equitable and democratic society, with all economic and social policies focused on the human being. Over recent years, it had doubled its gross national product and maintained an annual economic growth of around seven per cent. Special attention had been paid to socio-economic development in remote areas, and development and poverty reduction programmes received 30 per cent of the national budget. Universal primary education had been introduced in 2000 and about 90 per cent of the population had access to health-care services.

3. The legal framework for human rights had been improved, as had mechanisms to ensure law enforcement, equality before the law and the punishment of offenders. The political life of the country had been democratized and legislation guaranteed all democratic rights.

4. No country had a perfect human-rights record, and politicizing the issue and making accusation would not contribute to the long process of fully realizing human rights. Viet Nam therefore denounced the selective approach to human rights, employing double standards, as well as the use of human rights to interfere in internal affairs. Any criticism should be objective and constructive, through a process of dialogue and cooperation.

5. **Mr. Owade** (Kenya) said that the protection and promotion of human rights was a collective responsibility of Governments, the United Nations and civil society. Since its inauguration, his Government had embarked on a programme to protect and promote human rights, strengthen democracy and the rule of law, and fight corruption. Experience had shown that legitimacy was derived from the people, and the Government had initiated reforms based on a consultative process intended to enhance the dignity of every citizen. The new draft constitution sought to include the protection and promotion of economic, social and cultural rights.

6. The National Commission of Human Rights had been established by an act of Parliament to oversee and report on the activities of the Government and its relationship with the people, and could hold the State responsible for non-fulfilment of the rights provided for in the Constitution.

7. Although political rights were paramount, the Government had recognized that social and economic rights were equally fundamental. It had therefore proposed a national programme of free and compulsory primary education, and the education sector had the highest budgetary priority. A new housing policy was being drafted to address the serious housing deficit; it would unite the Government and the private sector in the effort to provide affordable housing. A programme to provide free health care to all Kenyans was also being designed.

8. Corruption and bad governance affected public safety and eroded fundamental rights and freedoms, while distorting national economies and discouraging

investment and free competition. In Kenya, war had been declared on corruption and Parliament had enacted pertinent legislation. Likewise, a radical reform of the judiciary had been initiated to eradicate corruption and ensure that the rule of law prevailed. In addition, a comprehensive law reform was under way, and new measures to protect women and children had been enacted.

9. In the area of international cooperation, Kenya was concerned at the lack of progress on some of the critical issues relating to economic, social and cultural rights: in that regard, the Working Groups on the Right to Development, on Implementation of the Durban Declaration and Programme of Action, and on People of African Descent needed to be revamped.

10. There were no longer any political prisoners in Kenya. However, Kenyans had been shocked recently by the revelation of torture chambers in the basement of a government building. The new Government had decided to turn them into a museum as a stark reminder of a past that should never be repeated. The promotion and protection of human rights required peace and stability; consequently, Kenya's successive governments had helped seek lasting solutions to the conflicts in some of its neighbouring countries.

11. **Mr. Tekin** (Turkey) said that terrorism continued to hinder the full enjoyment of human rights. However, the fight against terrorism should not be pursued at the expense of human rights and due process of law. Counter-terrorism measures should not be used as an excuse for restricting fundamental rights and freedoms, because human-rights violations risked breeding resentment and, ultimately, violence. Maintaining the balance between human rights and national security remained a major challenge.

12. Turkey was continuing its wide-ranging reforms aimed at promoting and protecting human rights. Since 2001, it had made a series of extensive legal reforms designed to strengthen democracy and to consolidate the rule of law and the independence of the judiciary.

13. Institutional reforms had also been initiated in order to further the protection of human rights. A human-rights department had been set up attached to the office of the Prime Minister and national and provincial human-rights councils had been established. The latter were entrusted with investigating complaints at the local level with the collaboration of local non-

governmental organizations, which were increasingly being engaged to work in the field of human rights.

14. Human-rights education had been intensified in order to enhance implementation of the reforms, and training was being provided for the police and security forces, civil service employees, judges, prosecutors and lawyers. Turkey was now a party to all six major international human-rights treaties and in 2002 had abolished the death penalty except in times of war or imminent threat of war.

15. The reforms had been complemented by increased engagement in the human-rights mechanisms of the United Nations and regional bodies. Several of the special rapporteurs had recently visited Turkey and their reports reflected the progress achieved.

16. **Mr. Tidjani** (Cameroon) said that, despite the progress made, there were many problem areas in the world where, as a result of extreme poverty, bad governance and injustice, serious human-rights violations were committed. Nevertheless, the international community was becoming increasingly aware of the need for a better implementation of human rights at the international and regional levels, as reflected in the legal measures designed to prevent or punish human-rights violations in all areas.

17. Poverty was the denial of all human rights; therefore its eradication was an urgent ethical, social and economic necessity. His delegation welcomed the international community's efforts to put the human being at the centre of its concerns and to give political rights and the right to development equal priority to other human rights and fundamental freedoms.

18. Cameroon welcomed the efforts of the United Nations High Commissioner for Human Rights to eradicate HIV/AIDS, to guarantee decent housing and food security, and to eliminate people-trafficking and discrimination against women. It also welcomed the High Commissioner's support for the New Partnership for Africa's Development in the context of the implementation of the regional strategy to strengthen universal human-rights norms.

19. It was only through human-rights education that the corresponding values and behaviour could be inculcated in all levels of society in order to establish a culture of peace and create a solid foundation for sustainable development. Children raised in an environment of tolerance, acceptance of differences

and respect for others were the best hope for the future of mankind. Cameroon, a multi-ethnic country, had opted to integrate human-rights education into the curriculum and into training programmes for the army, the police and prison personnel. A campaign to disseminate information on human rights had also been carried out through the mass media.

20. The support of the Office of the United Nations High Commissioner for Human Rights would be needed, particularly to strengthen national capacity. In its efforts to strengthen the rule of law, Cameroon had benefited from the support of the United Nations Subregional Centre for Human Rights and Democracy in Yaoundé, and expressed its appreciation to France and Italy and civil-society organizations which supported the Centre's operations.

21. Intolerance, disrespect, poverty and misery were at the origin of continuing atrocities throughout the world. In Cameroon, the promotion and protection of human rights had been at the heart of policies implemented since 1992 to install the rule of law, democracy and prosperity.

22. **Mr. Alexandre** (Haiti) said that, since the return to democracy in Haiti, his Government, with the support of the international community, had worked to consolidate democracy and the rule of law by stressing judicial reform and the elimination of impunity and insecurity. The machinery of oppression had been dismantled and replaced by such democratic institutions as the National Truth and Justice Commission, a civilian police force with a special unit for the protection of minors, a training school for the judiciary, the Office for the Protection of Citizens and the Preparatory Committee for the reform of the judicial branch. Bills had been introduced in the legislature to reinforce the independence of the judiciary and to combat organized crime. In an effort to guarantee the rights of its most vulnerable citizens, the Government had ratified the Convention on the Rights of the Child and had made education a priority. It had also adopted a plan of action on trafficking in persons that included strengthening the legal framework, raising public awareness and training government officials.

23. Despite the Government's efforts and support from the international community, difficulties in establishing the rule of law persisted. Haiti was counting on long-term assistance from the international

community to provide targeted technical assistance to State institutions, civil society and professionals, who could play a decisive role in the consolidation of democracy. The Government was deeply concerned that the current economic problems were aggravating the political situation, and called on the international community to normalize relations between Haiti and the international financial institutions, as democracy and economic development went hand in hand.

24. The Haitian people aspired to a life of dignity and peace. On 1 January 2004, Haiti would celebrate the bicentennial of its independence, and it invited the international community to share its pride in that moment.

25. **Mr. Rodríguez** (Cuba) said that the recent discussions in the Committee clearly reflected the industrialized countries' lack of political will to conduct a substantial and honest discussion on human rights. Having looted the riches of the developing countries, the former colonial Powers were now responsible for the death of 10 children every 7 seconds. While condemning armed conflicts, they devoted billions of dollars to manufacturing arms, and their economic policies killed millions of persons from hunger and disease, violated human rights and caused extreme suffering. Furthermore, their statements made no mention of economic and social rights and ignored the principles of universality, objectivity, impartiality and non-selectivity in the approach to human rights.

26. Those statements reiterated that Western neoliberal representative democracy was the only democratic political model. However, in the United States there was a pattern of systematic and flagrant violations of the rights of minorities and immigrants, aggravated by wars and anti-terrorist laws.

27. The provisions of the Geneva Conventions of 1949 were not respected in the case of approximately 600 prisoners from 42 countries detained at the Guantánamo Bay Naval Base. They were kept in a legal limbo and could be subjected to special military tribunals, whose proceedings would be secret. It was surprising that the European Union and Canada, which should be concerned about the human rights of the Europeans and Canadians who were allegedly among the prisoners, had not referred to the situation in their statements. Likewise, about 1,200 foreign nationals, including several Europeans, had been illegally detained in the United States for

more than two years in the context of anti-terrorist measures; their identities had been kept secret and they were denied due process. The legislative bodies of three states and 185 cities considered that the so-called Patriot Act violated constitutional rights and civil liberties.

28. There were more detainees in United States prisons than in any other country and almost half of them were Afro-Americans, while one sixth of them were mentally disabled. Torture was not a federal offence and more people were executed owing to judicial errors than in any other country.

29. The current President of the United States had been appointed by the Supreme Court in a five-to-four decision along party lines. In Miami, the votes of thousands of Afro-Americans had been invalidated and, in 2004, approximately 8 million voters would vote by computers that could be tampered with.

30. The United States and the United Kingdom had killed well over 5,000 civilians during the war on Iraq and since the end of the war they had caused the death of about 2,000 more. Torture was used during interrogations and young children were handcuffed.

31. Canada had not referred to such acts in its statement; but its Government was unable to say what it thought of its powerful neighbour, and had to accept border controls and anti-terrorist laws that affected its own interests and harmed its democratic tradition. At the same time, it did not have the moral authority to complain, owing to the way in which it treated its indigenous minorities.

32. In Norway, anti-Semitism had increased and, since 11 September 2001, so had Islamophobia. A persistent pattern of racism and discrimination against immigrants was reflected in restrictions to their access to employment, housing, education and basic services. Likewise, there were constant violations of the human rights of the Saami and the Roma, who were subject to assimilation, including by means of forced sterilization.

33. The manipulation of human rights should cease and the Commission on Human Rights should be reorganized.

34. **Mr. Rastam** (Malaysia) said that the tragic death of the late United Nations High Commissioner for Human Rights served as a reminder that no one was safe from terrorism. Terrorism must be condemned, but

in combating it, the human rights of all must be protected equally, and countries must avoid depriving specific groups of their rights. In dealing with terrorism, it was important to address not just the symptoms but the root causes, which often arose from long-term violations of the human rights of certain groups.

35. Israel's gross violations of the human rights of the Palestinian people were not new to the Committee. The Special Rapporteur on the right to food had presented evidence that Israel was using hunger as a silent weapon against the Palestinians living in the West Bank and Gaza. The harsh measures imposed by Israel included the construction of the containment wall, confiscation of land and diversion of water resources. Over 60 per cent of Palestinians were living in acute poverty and were dependent on food aid; unemployment had reached 40 per cent. Those measures attacked the dignity of the human person, yet inaction by the international community had only served to encourage Israel on that path.

36. A number of delegations had claimed the moral high ground by pointing out human-rights violations in other countries, yet it seemed — from their perspective — that such violations occurred only in developing countries; they did not feel the moral obligation to include Israel. In Iraq, the legacy of the war was still being felt by the Iraqi people in terms of shortages of food, water and electric power, but it would undoubtedly have other, less visible long-term effects on their well-being. He urged the Special Rapporteur on the situation of human rights in Iraq to assess not only the violations committed by the former regime but also the current situation.

37. There seemed to be little positive news in the current debate on the promotion and protection of human rights, but his delegation still had hope for a future in which all States would meet their obligations and the subject would be less politicized.

38. **Mr. Butagira** (Uganda) said that his Government remained committed to supporting the peace process in the Democratic Republic of the Congo, and had encouraged the Security Council to establish a robust peacekeeping operation there that would include disarmament, demobilization, rehabilitation, resettlement and reintegration of former combatants. It therefore welcomed Security Council resolution 1493 (2003) and had provided Entebbe Airbase for logistical

support to the European Union-led stabilization force in Bunia. It had also concluded an agreement with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to utilize that airbase.

39. Uganda welcomed the successful establishment of the Transitional Government of National Unity in accordance with the Lusaka Ceasefire Agreement. It hoped that once the institutions of law and order were strengthened, respect for human rights and the rule of law would be enhanced in the region. An effective Government, especially in the eastern part of the country, would deal with the culture of impunity and make sure that a system was in place for the lawful exploitation of natural resources.

40. Uganda had completed the withdrawal of the Ugandan People's Defence Forces (UPDF) on 2 June 2003 in accordance with the Lusaka Ceasefire Agreement and the Luanda Agreement of September 2002. It welcomed the Secretary-General's initiative regarding good-neighbourly relations and cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda. It desired the more stable, secure and peaceful political environment necessary to spur regional economic development and attract investment to the Great Lakes region.

41. The countries of the region must make a commitment that none of those countries would be used to arm, supply or host any hostile elements or armed terrorist groups against the others. Each country must establish mechanisms to monitor the security concerns of its neighbours. Uganda hoped that the proposed Great Lakes conference scheduled for July 2004 would emphasize ways to safeguard trade, security and respect for human rights.

42. **Mr. Mavroyiannis** (Cyprus) said that commitment to human rights required the unconditional integration of human rights into all aspects of life at the national, regional and international levels. Extreme poverty and social injustice were as pressing as violence and conflict. No country was entirely safe from human-rights violations; appropriate protections and remedies must continue to be developed at all levels.

43. Having suffered from grave violations of human rights as a result of a foreign invasion in 1974 and the continuing occupation of one third of its territory, Cyprus attached great significance to the protection

and promotion of human rights. In acknowledgement of the difficulties faced by its citizens residing in the occupied areas, the Government of Cyprus had recently adopted measures that would allow them to enjoy the results of its human-rights-based policies as well as the benefits of its accession to the European Union. Unfortunately, the occupation authorities had prohibited Turkish Cypriots from enjoying those benefits and had also limited the freedom of expression of those who supported the idea of a reunited Cyprus free of occupying troops.

44. As a humanitarian measure, his Government was intensifying its efforts to establish the fate of all missing persons, whether Greek or Turkish Cypriots. The ongoing violations of the rights of the few remaining enclaved persons in the occupied area of Cyprus were also of primary concern. Their living conditions continued to deteriorate, and the partial easing of restrictions on movement across the dividing line maintained by the military forces of the occupiers had not made life easier. Some 100,000 refugees who had been expelled from their properties by the 1974 invasion had been denied the right to return. The partial lifting of restrictions by the occupying regime, which had allowed refugees to revisit their houses and villages, ostensibly as a goodwill gesture, had been yet another confirmation of the blatant violation of their right to their homes and properties.

45. Although the protection of human rights was primarily the responsibility of Governments, the international community, headed by the United Nations system, bore a major responsibility in monitoring human rights and in restoring them where they had been violated. No settlement of a dispute could provide a basis for mutual understanding unless all parties felt that their rights and dignity had been fully ensured.

46. The settlement of the Cyprus problem, one of the oldest items remaining on the United Nations agenda, was in essence a question of respect for and implementation of international human-rights norms. No effort of the international community would come to any good, however, if Turkey was unwilling to heed the call to withdraw its occupation troops and give its people, Greek and Turkish Cypriots alike, the opportunity to live in conditions of peace and security in a reunited country, a member of the European Union.

47. **Mr. Ivanov** (Belarus) said that Belarus condemned human-rights violations wherever they occurred and supported international cooperation in legal matters, based on the principles of mutual respect and equal partnership. Human rights and fundamental freedoms were also enshrined in the Constitution. Belarus was a rapidly evolving European State; according to the *Human Development Report 2003*, it was now in 53rd place, having joined for the first time the group of States with a high level of human development. Belarus enjoyed inter-ethnic, religious and social harmony, with a national minority policy aimed at ensuring the equal development of the cultures, languages and traditions of all minorities. Freedom of expression was guaranteed by the Constitution, with the majority of publications owned not by the State, but by political parties, public and professional associations and non-governmental organizations.

48. A member of the global anti-terrorist coalition, Belarus resolutely condemned terrorism in all its manifestations. Belarus had opposed the use of force to resolve the Iraq question, believing that it would lead to a dangerous situation which would jeopardize world peace founded on collective decision-making within the United Nations. His delegation favoured a rapid resolution of the situation in Iraq, involving a resumption of peace and a return of sovereignty to the Iraqi people, including a guarantee of full enjoyment of all their human rights and fundamental freedoms. His delegation could not agree with attempts to justify poor or legally unfounded decisions by groundlessly accusing other countries of harbouring terrorists.

49. Belarus had never engaged in any arms-trafficking in breach of sanctions imposed by the Security Council; all military exports were carried out in compliance with relevant international standards, under a multi-stage export-control system.

50. Using the human-rights debate to serve political or economic interests was not only doomed to failure; it also ran counter to the very concept of human rights. Moreover, unilateral measures against sovereign States only served to discredit the very principle of international monitoring of human rights. The international community should now focus on thematic questions of current global significance, such as poverty eradication, the increase in activities of racist and nationalist groups, and human rights in the context of counter-terrorism efforts.

51. **Mr. Gasperoni** (San Marino) said his delegation agreed that the Office of the United Nations High Commissioner for Human Rights played a fundamental role in the promotion and protection of human rights. Bearing in mind the scourge of terrorism, it also agreed that human rights could not be disregarded even for security reasons. Such a course would result in a glorious victory for terrorism. In order to fight that scourge effectively, the overarching goal of the Millennium Declaration must be achieved: poverty reduction.

52. His Government attached great importance to universal ratification of the core human-rights treaties, and he was proud to announce the forthcoming ratification of the Convention on the Elimination of All Forms of Discrimination against Women. In the light of the review of the treaty-body system, it agreed that the reporting burden for States parties should be alleviated. San Marino would welcome less burdensome guidelines specifically conceived for small countries with limited human resources.

53. San Marino fully supported the special procedures of the Commission on Human Rights, and had therefore decided to extend a standing invitation under all the special thematic procedures of the Commission.

54. **Mr. Daratzikis** (Greece) said that Turkey continued, in violation of numerous resolutions of the Security Council and the Commission on Human Rights, to violate human rights in that area of the sovereign territory of the Republic of Cyprus occupied by its troops since 1974. It had been found guilty by the European Court of Human Rights of violating numerous articles of the European Convention on Human Rights, including those on the rights to life, liberty and security, freedom of thought and freedom of expression. It had also been found guilty by the Court of violating article 6 of the Convention, by allowing military courts to judge civilians in the occupied area. Moreover, it had still not complied with the Court's judgement in the *Loizidou v. Turkey* case, failing to provide the just satisfaction awarded by the Court. Turkey had failed to honour its commitments under the Third Vienna Agreement of 1975, imposed a series of restrictions on the United Nations Peacekeeping Force in Cyprus (UNFICYP) that seriously affected its ability to carry out its mandate, and continued to ignore the call in Security Council resolution 1331 (2000) for a return to the status quo ante in Strovolia.

55. Furthermore, in a sustained effort to alter the demographic balance, Turkey had moved over 110,000 settlers into the occupied territory, where there remained less than 500 of the 20,000 Greek Cypriots who had opted to stay in their ancestral homes in 1974. The Turkish policy of colonization was a violation of several international instruments, including the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts, and numerous resolutions of intergovernmental bodies. That policy was the principal reason why the illegal forthcoming "elections", which would be dominated by the settlers' vote, could not be considered legitimate.
56. As a result of the lack of cooperation by Turkish Cypriots, no progress had been made in resolving the tragic problems related to missing persons. Moreover, the island's cultural heritage was being systematically violated: over 500 Greek Orthodox churches had been destroyed and others had been vandalized or turned into hotels or restaurants.
57. The easing of restrictions that had allowed free contacts across the ceasefire line in recent months had demonstrated that Greek and Turkish Cypriots could live together peacefully, although it should not be seen as a substitute for a comprehensive settlement. The accession of Cyprus to the European Union had created a favourable environment for new efforts to reach a viable settlement on the basis of the relevant Security Council resolutions and European Union rules. His Government would support any efforts by the Secretary-General to seize the opportunity to bridge the gap between the two sides.
58. **Mr. Martirosyan** (Armenia) said that, in the decade since Armenia had gained its independence, significant progress had been made in anchoring the values of democracy, the rule of law and human rights in the collective thinking of the Armenian people. Democracy had been put to the test in 2003, with presidential and parliamentary elections and a constitutional referendum. Indeed, the rejection of the constitutional amendments proposed by the Government could be seen as evidence of "democracy at work". Some shortcomings had been revealed in the electoral process, but his Government was already taking the necessary measures to ensure that the international criteria for fair and democratic elections would be met in future.
59. Among the steps taken by his Government to meet its obligations as a new member of the Council of Europe were the abolition of the death penalty, the adoption of a new Criminal Code and the preparation of a new package of amendments to the Constitution. Other major legislative and judicial reforms, including reforms of the Electoral Code and the introduction of an Ombudsman bill, were under way with the aim of bringing Armenia's national institutions into line with international standards. All the reforms were being carried out in close cooperation with experts from the European Union and were being monitored by European institutions.
60. An important aspect of his Government's foreign policy was to advocate democracy and respect for human rights in neighbouring countries, as a way of helping to ensure peace and stability and thus reduce the risk of social and political conflict. A legitimate and transparent electoral process was particularly important, as its outcome was bound to have a great impact on the resolution of ongoing conflicts and as only legitimate and credible authorities would be in a position to advocate and implement lasting solutions to the conflicts.
61. In the 10 years since the World Conference on Human Rights, significant progress had been made in implementing the Vienna Declaration and Programme of Action, but it should be remembered that, according to the Declaration, all human rights were "universal, indivisible and interdependent and interrelated". It was therefore important to pay particular attention to the promotion and protection of economic, social and cultural rights in order to meet the challenges of globalization. His Government was committed to cooperating with all other stakeholders in living up to its commitments under the Declaration and under international human-rights instruments.
62. **Mr. Gba** (Côte d'Ivoire), after expressing sympathy for the humanitarian workers around the world who faced attacks while bringing comfort and hope to people in despair, said that the individual was at the centre of the development model his Government had adopted and human rights were at the heart of its policies. Like other developing countries, despite its limited resources, Côte d'Ivoire opened its doors to all migrants, regardless of their origin, and offered them education, health care and employment on the same basis as its own nationals. The provision of free education and the first steps it had taken towards

establishing universal health coverage — which had unfortunately been interrupted by the armed aggression against his country — had attracted large numbers of people from neighbouring countries, who continued to arrive even during the current conflict.

63. As a result of that conflict, which had left the country divided in two even after the fighting had ended, Côte d'Ivoire faced all the problems associated with the arrival of refugees and the displacement of large numbers of persons. The refugees, many of whom were fleeing the war in Liberia, were not housed in refugee camps but stayed with the local people. The authorities had made every effort to repatriate the refugees from nearby countries, with international help and the assistance of humanitarian organizations. At the same time, they had provided the necessary workers and resources to shelter, feed and care for those forced to flee, with the Ministry of Human Rights working alongside the Ministry of Social Affairs, the United Nations specialized agencies and civil society.

64. He echoed the view expressed in the report of the Office of the United Nations High Commissioner for Human Rights (A/58/36) that war-torn societies needed help in restoring and developing the rule of law and the institutions necessary for the protection of human rights. Observing that the Special Rapporteur on the human rights of migrants intended to visit Côte d'Ivoire and two other countries in West Africa, he said that she could count on the full support of his Government, whose policy of providing protection for migrants and refugees was based on the Constitution and its commitments under the African Charter on Human and Peoples' Rights.

65. Human rights implied the freedom to freely choose a government and leaders and therefore excluded foreign interference. In its desire for peaceful coexistence, his Government agreed with the view expressed by the Special Rapporteur on the human rights of migrants that the States of origin of migrants had a duty to maintain regular contacts with host States. Cooperation and solidarity on the basis of mutual respect must underlie relations between the people and their freely chosen leaders. The destabilization of neighbouring countries by providing mercenaries and weapons was a serious violation of human rights, and the perpetrators would be held accountable for their actions.

66. **Mr. Kim Chang Guk** (Democratic People's Republic of Korea) said that many problems in the field of human rights were the result of arbitrary decisions by States, the imposition of indiscriminate sanctions and military attacks on other States. The international community should do its utmost to ensure respect for the principle of State sovereignty, which offered solid guarantees against human-rights abuses, and for the right to life, which was under threat from terrorism. Denouncing terrorism as a gross violation of international law and a crime against humanity, he condemned the terrorist acts committed, with the connivance of the Japanese Government, against nationals of the Democratic People's Republic of Korea in Japan. Those acts included shootings and the planting of explosive devices in the offices of Chongryon, the organization for overseas citizens of the Democratic People's Republic of Korea, and violence against Korean students in educational institutions all over Japan.

67. He denounced the politicization of human rights and the use of double standards in that field. Imposing the values of one State on other nations and forcing countries to change their political systems were gross violations of human rights. States that took unilateral action in occupying other countries had no right to brand sovereign States as violators of human rights: the same was true of those Member States that had fallen into line behind the so-called "super-Power" in adopting resolutions that condemned States with which they were engaged in dialogue. Moreover, in a world in which so many millions of people were living in poverty, higher priority must be given to the right to development and practical steps must be taken to eliminate poverty, cancel countries' foreign debt and ensure that unilateral sanctions were lifted.

68. He spoke on behalf of the Government of a country that suffered from no unemployment, homelessness, illiteracy or drug abuse and in which all people were equal and no one had to worry about the future, even though they did not live in great luxury. His Government was committed to cooperating with the international community to solve human-rights problems in an impartial manner, safeguarding the principle of national sovereignty and fully guaranteeing genuine human rights.

69. **Mr. Hyassat** (Jordan) said that his Government had taken a number of steps to anchor in the public mind the concept of human rights as an instrument of

greater understanding among nations and to consolidate justice, equality and the rule of law. They included a national information campaign in which other stakeholders had actively participated and the formation of the Royal Commission on Human Rights to bring Jordanian law into line with international standards while preserving Jordan's traditional values. In addition, the independent National Centre for Human Rights examined complaints of violations, provided legal services and helped to advance human rights.

70. His delegation believed that the proposed convention on the promotion and protection of the rights and dignity of persons with disabilities should follow a rights-based approach and welcomed the establishment of a working group to draft it.

71. His delegation also condemned the persistent violations indicated in the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2004/6). It was deeply concerned that Israel had taken no measures to prevent their recurrence, and was alarmed at the unlawful construction of the wall, which would introduce new forms of human rights violations and further aggravate the Palestinian people's situation.

72. He called on Israel to fulfil its obligations with regard to the Palestinian people and the occupied Palestinian territories in accordance with international law, which prohibited a State exercising de facto control over an area outside its national territory from violating human rights in that area. That prohibition had been confirmed by international human rights bodies and courts on the basis of human rights law protecting individuals from such violations. Israel's contention that its actions were to be measured only against the rules of international humanitarian law was unconvincing, since, as the Human Rights Committee and the Special Rapporteur had affirmed, both international humanitarian law and international human rights law applied to the occupied Palestinian territories. Only with the cessation of such violations and of violence in general could the Palestinians and Israelis fulfil their obligations under United Nations resolutions and agreements and the road map with a view to attaining a just, comprehensive and lasting peace.

73. **Mr. Guterres** (Timor-Leste) said that human rights and fundamental freedoms should be regarded as the ultimate priority in the nation-building process and as a prerequisite for sustainable development. Timor-Leste had ratified both of the International Covenants on Human Rights in the past year. His Government's achievements in the field of human rights included the introduction of an "open governance" plan aimed at the full participation of citizens in the political process, the imminent delivery of affordable and cost-effective preventive and curative health services throughout the country, a gross enrolment rate in primary schools that had been raised to 95 per cent, and redesigned school curricula that included a human rights perspective.

74. Although women were crucial to the process of peace and reconciliation, they remained one of the most victimized groups during conflicts and were often excluded from peace-building. He therefore considered Security Council resolution 1325 (2000), on women and peace and security, a landmark in its affirmation of women's role in times of conflict and peace. The country's Parliament had ratified the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, as well as the United Nations Declaration on the Elimination of Violence against Women. The Government had established the Office for the Promotion of Equality and was working to strengthen national capacity to address gender-based violence. Parliament was currently debating a bill that would criminalize domestic violence, a problem of worrying dimensions in Timor-Leste; women's groups and other civil organizations had been involved in drafting the legislation. Women's networks and non-governmental organizations had played a key role in raising awareness about domestic violence and the police had received special training.

75. His Government attached particular importance to protecting vulnerable groups such as children. Timor-Leste had ratified the Convention on the Rights of the Child and its optional protocols and was cooperating with UNICEF and other international and local organizations to raise awareness of children's rights. While much remained to be done in the human rights field in Timor-Leste, his Government firmly believed that development and prosperity could be achieved only through the full enjoyment of human rights.

76. **Mr. Cardoso** (Brazil) paid tribute to the late United Nations High Commissioner for Human Rights, Sergio Vieira de Mello, who had demonstrated strong

leadership and dedication to the promotion of human rights, rendering inestimable service in that cause.

77. The time had come to cease endless political wrangling and adopt a victim-centred approach to the atrocious abuses perpetrated against the most vulnerable and underprivileged. Agreement on international standards must go hand in hand with genuine efforts to implement them if human dignity was to be upheld through international human rights instruments. Ten years after the adoption of the Vienna Declaration and Programme of Action, its principles must continue to be the basis of deliberations on human rights, with the reaffirmation of their universality, indivisibility and interdependence.

78. All human rights were mutually reinforcing and should be treated equally. While their protection was a legitimate concern of the international community, excessive politicization must be curbed. In the current international environment, human rights appeared to be used more selectively than ever and to serve as a tool of some States' foreign policy, thus enfeebling the international human rights system. His delegation called for the improvement of multilateral mechanisms through a more cooperative and positive approach such as that adopted by the International Labour Organization and the World Health Organization, which focused on technical cooperation rather than public punishment. A global report on human rights could constitute a valuable source of objective information and analysis.

79. In that regard, the right to development was particularly important for providing everyone with a social and international order conducive to the realization of the rights enshrined in the Universal Declaration of Human Rights, and all countries deserved an international economic environment favourable to meeting their people's aspirations. While lack of development was not a justification for limiting the enjoyment of internationally recognized human rights, its presence facilitated that enjoyment; hence, States must cooperate with one another to eliminate obstacles to development. The Office of the High Commissioner should receive additional resources to support countries' capacity-building efforts, strengthen their human rights institutions and provide training for judicial and law-enforcement officials.

80. Democracy, development and respect for human rights were interdependent. Brazil's consolidation of

democracy had underscored the pre-eminence of human rights among the constitutional precepts that informed its international relations. The country was committed to fighting poverty, since rights were meaningless if people were starving. The international community had a large role to play in poverty eradication, one of the key challenges of the human rights movement. Brazil intended to help strengthen all human rights mechanisms, cooperation with which epitomized its attitude. At the authorities' open invitation, the country had been visited in 2003 by the independent expert on the right to development and the Special Rapporteurs on the extrajudicial, summary and arbitrary executions and on the sale of children, child prostitution and child pornography, and used the suggestions and analyses made under the human-rights mechanisms to induce change, summon political will and broaden the base of support for human rights policies.

81. Brazil had recently signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and urged other States to do so. At the current session, his delegation was submitting a draft resolution on the right to health and another on access to medication in the event of pandemics, and called for economic and social rights to occupy their rightful place on the human-rights agenda. Furthermore, the Commission on Human Rights would consider, at its next session, his delegation's initiative concerning human rights and sexual orientation.

82. **Ms. Liepina** (Latvia) said that the protection and promotion of human rights had been a priority of successive Latvian Governments mainly because of the suffering caused by massive human rights violations during the Soviet occupation. On regaining its independence, her country had restored democratic traditions and, through intensive bilateral and multilateral cooperation, had established fundamental human rights legislation and built up human rights institutions; its progress in establishing and implementing the proper legislative framework had been noted by several international organizations. Despite the distortion of the country's demographic balance during the five decades of occupation, that balance had been restored, bringing with it remarkable social stability. The authorities had successfully developed harmonious inter-ethnic relations by taking proactive steps to avoid conflicts and ensuring respect

for the rights of different ethnic groups in a centuries-old multi-ethnic society.

83. The report of the Secretary-General on effective promotion of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (A/58/255) showed how much the work of international organizations was interlinked. Of the two approaches it offered, her country had opted for integration over autonomy, and minorities played an active role in Latvia's political life, occupying 20 per cent of parliamentary seats, the rough equivalent of their percentage of the population. The Government funded some 200 minority schools for eight minority groups — including very small ones — and contributed financially to many cultural events.

84. The newly appointed Minister for Special Assignments, himself a human rights expert, was responsible for promoting dialogue with the minorities and the Livs, Latvia's indigenous people, in order to increase government involvement in minority cultural issues. The Latvian human rights protection and promotion system was by no means perfect, but praise for its achievements had convinced the authorities that they had chosen the right path, while constructive criticism had helped them improve policy. It was evident from the Latvian experience that even countries with a legacy of extreme brutality could rebuild human rights standards and accomplish the peaceful integration of a society. Latvia would continue its human rights dialogue with the international community.

85. **Mr. Sinaga** (Indonesia) said that the importance of international cooperation for promoting human rights was clearly stated in the Charter of the United Nations and the Millennium Declaration. The time had come to cease concentrating on Member States' shortcomings, but rather to discuss valuable national experiences that could benefit others and reflect on the effectiveness of the role of the special rapporteurs, who, instead of merely reporting a country's negative situation, should focus on ways of improving it. The ideal principle for the implementation of human rights was to live by example, and respect for human rights in one's own country should be accompanied by respect for those rights elsewhere.

86. No country was free from human rights violations. Indonesia would cooperate on the realization of human rights provided it was for the

benefit of all human beings and was not politicized, selective or discriminatory. Human rights, in all their manifestations, were a high priority for his Government and the subject of one of its six fundamental working programmes; there had been a significant improvement in the freedoms of expression, peaceful assembly and association as part of the reform process. The five-year National Plan of Action on Human Rights, adopted in 1998 to comply with the Vienna Declaration and Programme of Action, had been meticulously implemented and would soon have a successor consisting of six pillars, namely the establishment and strengthening of human rights promotion and protection mechanisms; preparation for the ratification of international conventions; education and dissemination; harmonization of national laws; implementation of norms and standards; and monitoring, evaluation and reporting.

87. Despite its limited resources, the Government, in cooperation with the National Commission on Human Rights and certain other countries, had conducted a programme of familiarizing students with the basic principles of national and international human rights, while similar programmes were directed at young people in social and religious settings. In the view of his delegation, it was better to comply with the Vienna Declaration and introduce national plans of action than to publish a world report or a litany of criticisms of Member States' practices. His Government, in close partnership with other stakeholders, discussed national programmes, following which the responsibilities for human rights promotion and protection were assigned. Human rights education was promoted at all educational levels throughout the country.

88. In the general election, to be held in 2004, many new elements for ensuring the exercise of rights and freedoms would be introduced; for the first time the people would directly elect their president, vice-president and members of the legislature. Although the election would pose challenges, it would bring greater benefits to the country.

89. **Mr. Porter** (European Community) said that, in addition to bilateral cooperation, the European Commission supported human rights projects with non-governmental organizations and international organizations, notably through the annual 100 million euros donated under the European Initiative for Democracy and Human Rights to support innovative projects in many major fields. An overarching concern

was the need to work towards the effective implementation of international human rights instruments and standards. One major project was designed to advance the implementation of the Istanbul Protocol establishing the guidelines for investigating cases of alleged torture.

90. Under the Initiative, projects were also undertaken with the Office of the United Nations High Commissioner for Human Rights to bolster the effectiveness of inputs by non-governmental organizations and national human rights institutions to reports to the treaty bodies. The next project selection would focus on support for the Optional Protocol to the Convention against Torture, which provided for effective scrutiny of places of detention. The Initiative also supported training and information on human rights issues, and several of its projects aimed to ensure that the media treated sensitive issues in an informed manner. They included a worldwide campaign by the Death Penalty Information Centre to put the case for abolition of the death penalty to the media, and a project to improve media coverage of ethnic and minority issues in the South Caucasus.

91. Because participation in democracy and decision-making went beyond the right to vote and involved a wide range of human rights, the European Union had deployed election-observation missions in Rwanda, Cambodia, Nigeria, Guatemala and Mozambique. The Initiative also supported domestic non-governmental and regional organizations involved in election observation in order to strengthen local capacity to support democratic transitions.

92. **Mr. Helle** (International Committee of the Red Cross (ICRC)) said that thousands of families around the globe underwent severe mental agony because a family member had become a "missing person". Their suffering and relentless quest for information often led to their social marginalization and all its consequences for society. The initial phase of the consultative and analytical process relating to missing persons, launched by ICRC with the cooperation of academic institutions and experts, had resulted in a set of recommendations on legal and operational matters designed to help prevent disappearances, ascertain the fate of missing persons and assist their families. The second phase had consisted in a three-day international conference of experts, held in February 2003, that had provided an opportunity to share the outcome of the first phase and further explore the scale, diversity and complexity of

the issue. A wide array of participants, including relatives of missing persons, had engaged in a rich, and often moving, dialogue based on the need to address a problem that went far beyond emotional issues.

93. The upcoming 28th International Conference of the Red Cross and Red Crescent, at which the 191 States parties to the Geneva Conventions would be represented, would provide an opportunity to trigger more effective action. One of the four humanitarian concerns addressed in the draft agenda for humanitarian action to be adopted by the conference was the issue of persons missing in connection with armed conflict or internal strife. The draft agenda included the main goals and actions identified through the aforementioned conference of experts. ICRC would pledge to strengthen its own operational practices and its work with relevant authorities and organizations regarding guidelines on best practices for resolving problems linked to missing persons; definition of standards and guidelines for the collection, exhumation and identification of human remains; creation of international mechanisms for assistance to affected families; and the network of tracing services of national Red Cross and Red Crescent societies.

94. ICRC would also help to strengthen relevant international and domestic law which served to protect persons from disappearance, to ascertain the fate of missing persons and to sustain the right of families to know the fate of their relatives. It called on all Member States to join in its pledge.

The meeting rose at 1.10 p.m.